

REMARKS

Reconsideration and allowance of the present application are respectfully requested. Claims 1-6, 8-10 and 12-48 are currently pending in this application.

*Regarding the 35 U.S.C. § 102 Rejections*

Claims 1-8, 11-18, 20, 21, 23-26, 29 and 30-32 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,835,896 to Fisher et al. (referred to below as "Fisher"). Applicant respectfully traverses this rejection for the following reasons.

As amended, independent claim 1 recites a system comprising an information tracking component to store, for each of a plurality of items, information describing the item. The system also comprises a supply component configured to receive data describing one or more items, convert the received data into a format used by the information tracking component, and store the converted data as information in the information tracking component. The system further comprises a publishing component to automatically select, for each of a plurality of subscribers, a different set of information from the information tracking component, and to communicate the selected set of information to local storage maintained by the subscriber, wherein the communication involves transferring information to subscribers in advance of receiving requests from the subscribers pertaining to the information. The system further comprises a subscriber request component to receive requests from the plurality of subscribers and modify the information stored in the information tracking component in accordance with the requests. Finally, the publishing component is further configured to identify one or more of the plurality of subscribers affected by the modification to the information stored in the information tracking component, and to communicate, to the

1 one or more of the plurality of subscribers affected by the modification, the information  
2 as modified.

3 Fisher does not teach or suggest the above-described recitations of claim 1. More  
4 specifically, Fisher discloses an electronic auction system including a merchandise  
5 catalog page generator 25 for generating catalog pages that describe merchandise that  
6 may be bided upon using the system. Upon accessing the catalog page, a bidder may  
7 press a button on the catalog page or take some similar action that causes a bid form to be  
8 displayed on the screen. The bidder then enters information necessary to place a bid. A  
9 bid validator 21 examines the entered bid information to ensure that the bid is properly  
10 formatted. If so, the system stores bid information in a bid database 31. An auction  
11 manager 26 queries the bid database 31 to determine if any new bids have been placed. If  
12 new bids are found during the query, the auction manager 26 calculates the current high  
13 bidder or bidders and instructs merchandise catalog page generator 25 to regenerate a  
14 catalog page with the updated bid information. Further, an electronic mail messenger 27  
15 queries bid database 31 for bids recently marked by auction manager 26 as having been  
16 outbid or having won an item in a recently closed auction. If such bids are found, the  
17 electronic mail messenger 27 formats an appropriate electronic mail notification message  
18 24 and sends this message to the user. See generally column 6, line 13 to column 8, line  
19 29 of Fisher.

20 Fisher's system is unlike the system recited in claim 1. As stated above, the  
21 system of claim 1 uses a publishing component to *automatically* select, for each of a  
22 plurality of subscribers, a different set of information from the information tracking  
23 component, and to communicate the selected set of information *to local storage*  
24 *maintained by the subscriber*, wherein the communication involves *transferring*  
25 *information to subscribers in advance of receiving requests from the subscribers*

1 *pertaining to the information.* To provide one illustrative example from the specification  
2 that is encompassed by and supports this element (but does not otherwise limit the scope  
3 of this element), the publishing component may automatically publish information to a  
4 subscriber regarding an asset based on criteria supplied by the subscriber. This  
5 information, stored in the subscriber's local storage, then enables the subscriber to  
6 subsequently generate requests pertaining to the asset. In marked contrast, Fisher  
7 requires that users first manually investigate a web-enabled catalog page that is generated  
8 based on a central merchandise description database 30, whereupon the users then place  
9 their bids. In Fisher, there is no communication of an *automatically* selected set of  
10 information *to local storage maintained by a subscriber in advance of receiving requests*  
11 *from the subscribers pertaining to the information.* That is, browsing a catalog page does  
12 not constitute automatic selection in the manner claimed. Further, browsing a catalog  
13 page does not constitute communication to a local storage by a publication component in  
14 the manner claimed. Indeed, this distinction represents a significant difference in design  
15 philosophy between the system of claim 1 and Fisher's system. The system of claim 1  
16 supplies local information to subscribers from which they may subsequently generate  
17 requests; in marked contrast, Fisher's system relies on a traditional central database 30 to  
18 orchestrate the sale of merchandise.

19 In the Office Action, the Examiner draws Applicant's attention to the Fisher's E-  
20 mail notification functionality. However, Fisher's electronic mail messenger 27 also  
21 does not satisfy the elements of claim 1. The messenger 27 operates by notifying bidders  
22 of whether they have been outbid, whether they have won a bid, and so forth. This  
23 messenger 27 is not designed to supply bidders with information *in advance of receiving*  
24 *requests from the subscribers pertaining to the information.* In other words, the  
25 messenger 27 is strictly a notification tool to alert users who have already placed bids to

1 the progress of the auction which is being managed in a host-centric manner; the  
2 messenger 27 is *not* a tool for empowering the subscribers with information from which  
3 they may subsequently generate requests.

4 Accordingly, the Applicant submits that claim 1 is allowable over the Fisher  
5 patent.

6 Independent claim 20 recites a method comprising, in part, publishing selected  
7 item information from the database *to local storage maintained by each of a plurality of*  
8 *different subscribers in advance of receiving requests from the subscribers.* As explained  
9 above, since Fisher does not publish item information in advance of receiving requests by  
10 the users, Fisher does not meet the elements recited in this claim. For instance, Fisher  
11 describes sending E-mails to individuals who have previously placed bids. However, as  
12 these E-mails are only sent to prior bidders, this does not constitute publishing  
13 information *in advance of receiving requests* by subscribers, but rather simple  
14 notification to only those who have already made requests.

15 Further, claim 20 recites that the item information selected for publishing to a  
16 particular subscriber is dependent on *criteria submitted by the particular subscriber* and  
17 the information describing each item. Fisher also does not disclose this element. As  
18 described above, Fisher sends E-mails to bidders based only on their prior participation in  
19 an auction. The circumstance defined by mere participation in an auction does not  
20 constitute *criteria submitted by a subscriber* in the manner claimed.

21 Accordingly, the Applicant submits that claim 20 is allowable over the Fisher  
22 patent.

23 Independent claim 24 recites related subject matter to claims 1 and 20, and is  
24 therefore allowable for reasons similar to those given for claims 1 and 20. Namely, claim  
25 24 recites, in part, *communicating item information from the information tracking*

1 *database to local storage maintained by each subscriber, in advance of a request by the*  
2 *subscriber pertaining to the item information.* Since Fisher does not communicate  
3 information to bidders in advance of receiving requests, in the manner claimed, Fisher  
4 does not teach or suggest at least this element of claim 24.

5 Further, independent claim 24 recites an operation of storing, in a publishing  
6 database, data identifying which item information has been communicated to each  
7 subscriber of a plurality of subscribers. Fisher stores bidding information in its bid  
8 database 31 to memorialize bids made by bidders, not to memorialize item information  
9 that has been communicated to each bidder. That is, although Fisher sends E-mails to the  
10 bidders, the event of this communication is not memorialized in the bid database 31, but  
11 merely the current state of the bids. More generally, Fisher's bid database 31 is *only* a  
12 database for monitoring bid progress; other than handling the brute necessities of  
13 conducting an auction, Fisher is not concerned with monitoring information that has been  
14 disseminated to the users for the purpose of synchronization of such information.

15 Accordingly, the Applicant submits that claim 24 is allowable over the Fisher  
16 patent.

17 Original independent claim 30 recites a method comprising maintaining an asset  
18 tracking database that includes information describing a plurality of different assets  
19 available for sale. This claim also recites communicating different groups of the  
20 information to different ones of a plurality of subscribers to allow the individual  
21 subscribers to offer the items about which it receives information for sale. This claim  
22 also recites receiving an indication from one of the subscribers to purchase the item. This  
23 claim also recites communicating a change in status of the asset to each of the plurality of  
24 subscribers that had previously received the asset information.

25

1 Fisher does not disclose the above-described operation of communicating  
2 different groups of the information to different ones of a plurality of subscribers *to allow*  
3 *the individual subscribers to offer the items about which it receives information for sale.*  
4 That is, the agent who submits bids in Fisher's system appears to be the entity who also  
5 consumes the items associated with those bids. In contrast, the above-identified element  
6 of claim 30 specifies that information is communicated to subscribers to allow the  
7 individual *subscribers* to offer the items for sale. This again goes to the heart of a  
8 fundamental difference between Fisher and the claimed invention recited in claim 30.  
9 Fisher maintains a traditional online purchasing model based strictly on the use of a  
10 central database 30. In contrast, claim 30 empowers the subscribers themselves to offer  
11 items for sale.

12 Accordingly, the Applicant submits that claim 24 is allowable over the Fisher  
13 patent.

14 The remaining claims rejected under § 102(b) based on Fisher (i.e., claims 2-6, 8,  
15 12-18, 21, 23, 25, 26, 29, 31 and 32) depend variously from independent claims 1, 20, 24  
16 and 30. Accordingly, these claims are allowable for at least this reason. In addition,  
17 these claims recite additional subject matter that is not disclosed or suggested by Fisher.  
18 To cite but one example, dependent claim 12 states that the publishing component is  
19 further configured to communicate to one of the subscribers to delete information  
20 previously communicated to the one subscriber. In Fisher there is no communication to  
21 users that instructs the users to deleted information previously communicated to the  
22 users. For instance, Fisher does not send a command which instructs recipients to delete  
23 E-mails previously forwarded by the messenger 27. There would be no need to do this,  
24 as Fisher is not concerned with preserving the integrity of any local stores maintained by  
25 users.

1 Claims 36 and 37 were rejected under 35 U.S.C. § 102(b) as being anticipated by  
2 U.S. Patent No. 5,898,836 to Freivald et al. (referred to below as "Freivald"). Applicant  
3 respectfully traverses this rejection for the following reasons.

4 Independent claim 36 recites a method comprising maintaining information  
5 describing an item, wherein the information includes a plurality of fields each describing  
6 an aspect of the item. This claim further recites allowing a subscriber to identify which  
7 information is to be communicated to the subscriber for local storage at the subscriber,  
8 wherein the identification is based on a set of criteria that identifies particular criteria for  
9 one or more of the plurality of fields of the information. This claim further recites  
10 communicating, to the subscriber, the identified information, and subsequently receiving  
11 a request from another subscriber to alter a status of the identified information. Finally,  
12 this claim recites communicating, to the subscriber, the updated status of the identified  
13 information.

14 Freivald does not disclose or suggest the invention defined above. More  
15 specifically, Freivald discloses a method whereby a user on a client 14 registers a web  
16 page by specifying the URL which identifies the web page. The user also sends his or  
17 her E-mail address to a responder 24. The responder 24 fetches the web page and  
18 displays the page to the user. The user then selects which portions of the web page  
19 document are to be compared for changes. Responder 24 then stores the location of the  
20 selected text and generates one or more cyclical redundancy checksums (CRC(s)) for the  
21 selected text. Responder 24 then stores the CRC(s), URL and E-mail address in a  
22 database 16. Subsequently, each registered document is compared for changes on a  
23 periodic basis. That is, a minder 22 fetches a fresh copy of the web-page from a  
24 document server 12 as identified by the stored URL. Once a fresh copy of the registered  
25 document has been fetched, one or more CRC(s) of the fresh document are generated and

1 compared to previously archived CRC(s) for this document. A mismatch indicates that  
2 the document has changed. When a change has been detected by the minder 22 in this  
3 manner, Freivald's system sends a change notice to the registered user at client 14 using  
4 the stored E-mail address. See generally column 7, lines 1-55 of Freivald.

5 However, claim 36 calls for receiving a request from *another subscriber to alter a*  
6 *status of the identified information*, and then communicating, to the [first-mentioned]  
7 subscriber, the updated status of the identified information. Freivald's system addresses  
8 the handling of web-documents that may change in a source document server 12, but  
9 these changes in the documents do not constitute *a request from another subscriber to*  
10 *alter the status of the identified information within the context of the method of claim 36.*

11 Accordingly, the Applicant submits that claim 36 is allowable over the Freivald  
12 patent.

13 Claim 37 depends on claim 36 and is allowable for at least this reason. In  
14 addition, claim 37 recites additional subject matter that is not disclosed in Freivald.  
15 Namely, claim 37 recites that the updated status comprises a sold or sale pending status.  
16 The Examiner apparently acknowledges the deficiency of Freivald with respect to this  
17 claim, but dismisses this claim because it allegedly refers to an intended use that is not  
18 reflected in a structural difference between Freivald and the claimed invention. This  
19 reasoning, however, is legally misplaced. Claim 37 is a method claim. For method  
20 claims, the Patent Office must indeed give weight to how an invention is being used.

21 In summary, a claim is anticipated only if each and every element as set forth in  
22 the claim is found, either expressly or inherently described, in a single prior art reference.  
23 *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).  
24 For at least the above exemplary reasons, neither Fisher nor Freivald teach every element  
25 of the claims rejected under § 102. Moreover, as explained above, Fisher and Freivald



1 remain wedded to host-centric designs, and therefore depart from the claimed invention  
2 in rather fundamentally ways.

3 For at least the above-stated reasons, the Applicant respectfully requests the  
4 withdrawal of the 35 U.S.C. § 102 rejections.

5 *Regarding the 35 U.S.C. § 103 Rejection*

6 Claims 9, 10, 22, 27 and 33-35 were rejected under 35 U.S.C. § 103 as being  
7 unpatentable over Fisher in view of U.S. Patent No. 5,915,209 to Lawrence (referred to  
8 below as "Lawrence"). Applicant respectfully traverses this rejection for the following  
9 reasons.

10 Claims 9, 10, 22 and 27 depend variously on the above-identified independent  
11 claims (namely, independent claims 1, 20 and 24). Accordingly, the deficiencies of the  
12 Fisher reference pointed out for the independent claims also apply to these claims  
13 through dependency. Moreover, Lawrence does not cure the deficiencies noted above.  
14 In fact, Lawrence pertains to another system which fundamentally departs from the  
15 claimed invention. For example, one feature of independent claim 1 is its ability to  
16 identify one or more of the plurality of subscribers affected by modification to the  
17 information stored in a information tracking component, and to communicate, to the one  
18 or more of the plurality of subscribers affected by the modification, the information as  
19 modified. In contrast, Lawrence emphasizes the use of a secret bidding environment  
20 which proceeds "without revealing bids to other bidders in a broker-conducted auction"  
21 (column 19, line 67 to column 20, line 1). This appears to be contrary to the identified  
22 element of claim 1 (as well as to Fisher's design objectives).

23 Lawrence was specifically applied in the Office Action to show "means to  
24 indicate that an item is not for sale" (page 6, line 4 of the Office Action). The Office  
25 Action specifically draws Applicant's attention to the hold buttons (features 64, 98 and

1 170) of Lawrence's figures. However, these features do not meet the additional elements  
2 of claims 9, 10, 22 and 27. Claim 9, for instance, recites, in part, that the subscriber  
3 request component receives a request to reserve a particular asset. There is no indication  
4 in Lawrence that the hold buttons describe functionality that can be *invoked by a*  
5 *subscriber*. Accordingly, Lawrence does not teach reservation functionality in the  
6 context claimed.

7 Moreover, Fisher describes a variety of free market auction paradigms that do not  
8 place significant restrictions on the bidding of users. It is therefore fundamentally  
9 unclear how reservation functionality could be meaningfully integrated into Fisher's  
10 system, even if, assuming for the sake of argument, that Lawrence's hold buttons (64, 98,  
11 170) permitted subscribers to reserve items (which they do not).

12 For these reasons, dependent claims 9, 10, 22 and 27 are allowable over the  
13 combination of Fisher and Lawrence.

14 Claim 33 is an independent claim. It recites, in part, *receiving a request, from*  
15 *one of the plurality of subscribers, to reserve the item*. Since neither Fisher nor Lawrence  
16 disclose at least this element, claim 33 is allowable over the combination of Fisher and  
17 Lawrence. Claims 34 and 35 depend from claim 33 and are allowable for at least this  
18 reason. In addition, these claims recite additional subject matter not found in the  
19 combination of Fisher and Lawrence.

20 Claims 19 and 28 were rejected under 35 U.S.C. § 103 as being unpatentable over  
21 Fisher in view of U.S. Patent No. 6,671,674 to Anderson et al. (referred to below as  
22 "Anderson"). Applicant respectfully traverses this rejection for the following reasons.

23 Claims 19 and 28 depend respectively from independent claims 1 and 24.  
24 Anderson does not overcome the above-noted deficiencies of Fisher with respect to  
25

1 claims 1 and 24. Therefore, claims 19 and 28 are allowable for at least the reasons stated  
2 above for claims 1 and 24.

3 For at least the above-identified reasons, the Applicant respectfully requests that  
4 the rejections under 35 U.S.C. § 103 be withdrawn.

5 *Regarding Newly Added Claims*

6 A number of additional dependent claims (i.e., claims 38-47) have been added  
7 which also distinguish over the applied documents. That is, these claims ultimately  
8 depend from independent claim 1 and are therefore allowable for at least this reason. In  
9 addition, these claims recite additional subject matter which is not disclosed or suggested  
10 by the applied documents. For instance, dependent claim 38 recites, in part, that the  
11 supply component is configured to receive the data describing the one or more items in a  
12 plurality of different formats, and claim 39 recites, in part, that the subscriber request  
13 component is configured to receive requests from the plurality of subscribers in a  
14 plurality of different formats. None of the applied documents, whether considered alone  
15 or in any combination, disclose this subject matter.

16 Claim 40 recites, in part, that the supply component is configured to receive  
17 information having a data portion and an operation portion. Claim 41 recites specific  
18 operations identified by the operation portion. None of the applied documents, whether  
19 considered alone or in any combination, disclose this subject matter.

20 Claim 42 recites that the publishing database stores data identifying which of the  
21 plurality of subscribers each of the plurality of items has been published to, including  
22 subscribers that have not submitted requests pertaining to the items. This clearly  
23 distinguishes over Fisher's bid database 31, which only stores information for users who  
24 have submitted bids (and therefore, have submitted requests).  
25

1 Claim 43 states, in part, that the publishing database includes a status field used to  
2 identify the current respective status of the plurality of items. Claims 44 and 45 recite  
3 additional detail regarding the status field. None of the applied documents, whether  
4 considered alone or in any combination, disclose this subject matter.

5 Claim 46 recites, in part, that each item identified by the information tracking  
6 component is defined by a plurality of fields, and that the criteria supplied by the  
7 subscriber is defined with reference to those fields. Claim 47 recites other details  
8 regarding the submission of criteria. As noted above, Fisher does not allow a user to  
9 supply *any* criteria, and thereby does not meet the more detailed subject matter of claims  
10 46 and 47. The mere creation of a bid does not constitute supplying criteria.

11 Finally, claim 48 is an independent claim. This claim is a compilation of features  
12 related to many of the elements discussed in this Response above. This claim is  
13 accordingly allowable for reasons similar to those given above.

1 *Conclusion*

2 The arguments presented above are not exhaustive; Applicant reserves the right to  
3 present additional arguments to fortify its position. Further, Applicant reserves the right  
4 to challenge the alleged prior art status of one or more documents cited in the Office  
5 Action.

6 All objections and rejections raised in the Office Action having been addressed, it  
7 is respectfully submitted that the present application is in condition for allowance and  
8 such allowance is respectfully solicited. The Examiner is urged to contact the  
9 undersigned if any issues remain unresolved by this Amendment.

10  
11  
12 Respectfully Submitted,

13  
14 Dated: July 16, 2004

By: 

David M. Huntley  
Reg. No. 40,309  
(509) 324-9256